

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELMER RENE HERNANDEZ,

Defendant.

**8:21-CR-175**

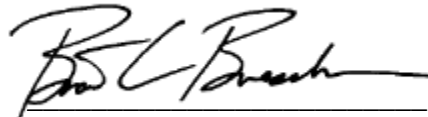
**ORDER**

Defendant Elmer Rene Hernandez has filed a Notice of Appeal regarding the Court's denial of his Motion to Vacate under 28 U.S.C § 2255. Filing 158. However, the defendant has not paid the filing fee. The defendant was not previously "determined to be financially unable to obtain an adequate defense in a criminal case," nor did he file a motion to the Court for leave to proceed in forma pauperis in accordance with Federal Rule of Appellate Procedure 24(a). Under these circumstances, the Court "finds that the party is not [ ] entitled to proceed in forma pauperis." Fed. R. App. P. 24(a)(4)(C). Accordingly,

IT IS ORDERED that the defendant may not proceed in forma pauperis.

Dated this 16th day of September, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Brian C. Buescher', written over a horizontal line.

Brian C. Buescher  
United States District Judge